

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-06570-HDV (BFM) Date: January 9, 2025
Title Nnamdi Franklin Ojimba v. B. Birkholz

Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard N/A
Deputy Clerk Court Reporter / Recorder

Attorneys Present for Petitioner: Attorneys Present for Respondent:

N/A N/A

Proceedings: **(In Chambers) Order DENYING Motion for Appointment of Counsel (ECF 15) and GRANTING Request for Extension of Time to File Objection to a Magistrate Judge's Report and Recommendation (ECF 16).**

The Court has reviewed Petitioner's Motion for Appointment of Counsel, filed on January 3, 2025. (ECF 15). Petitioners in habeas cases are not entitled to the appointment of counsel; instead, counsel will be appointed only where the "circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *see* 18 U.S.C. § 3006A(a)(2) (providing that a district court has discretion to appoint counsel for state habeas corpus petitioners when it determines "that the interests of justice so require"). Given that the Court has recommended that the Petition be denied as without merit, the Court does not believe that the standard for appointment of counsel is met and thus **denies** Petitioner's request. *See Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (requiring courts to consider likelihood of success on the merits as well in deciding whether to appoint counsel).

The Court has reviewed Petitioner's Request for Extension of Time to File Objection to a Magistrate Judge's Report and Recommendation, also filed

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on January 3, 2025. (ECF 16.) Petitioner's Request is **granted**. Petitioner's objections to the Court's Report and Recommendation are now due **no later than February 10, 2025**.

cc: Nnamdi Franklin Ojimba, pro se
 Mirelle Nusret Raza, AUSA

Initials of Preparer: ch